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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,928	12/09/2003	Jose Wei		2427

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EXAMINER

LE, MARK T

ART UNIT PAPER NUMBER

3617

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/729,928	WEI, JOSE	
	Examiner	Art Unit	
	Mark T. Le	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 11-12, the expression "a wire storage groove formed at the and right wheel planes" is incomplete and not clear.

In claim 4, line 2, the expression "the wheel plane of the turning wheels" is not clear.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Pera (US 5,544,836).

Pera, Figures 6-12, discloses a coaxial wire storage device having all the features recited in the instant claims, including turning wheel 260 with left and right wheel planes, spring 202, communication wire 12, and right and left wall bodies 230, 210.

Regarding the expression "may be" recited in instant claims 5-6, note that such expression "may be" may also mean as "not required". Accordingly, the subject matters associated with the expression "may be", as recited in instant claims 5-6, are not

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required in the prior art structure; therefore, Pera still meets the required limitation of the claims.

Regarding the instant claimed two notches, recited in instant claim 4, consider passage 264 of Pera that has two ends facing the right and left wheel planes, respectively; wherein, said two ends constitute two notches as broadly recited in the instant claim.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 (as best understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Pera (US 5,544,836) in view of Woodring (US 3,853,285)

Pera is applied above.

Regarding the instant claimed screw for holding the right and left wall bodies together, consider bolt or screw 16 of Woodring extending through the center of the wall bodies for securing the wall bodies together. In view of Pera, it would have been obvious to one skilled in the art to alternatively secure the wall bodies of Pera together by a bolt or screw in a manner similar to that taught by Woodring so as to achieve expected advantages associated with screw connections, such as a stronger connection.

6. Claim 7 (as best understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Pera (US 5,544,836) in view of Chang (US 6,397,991).

Pera is applied above.

Regarding the instant claimed insertion posts and holes, note that the use of insertion posts and holes for aligning and locking opposite housing parts together is common in the art. Note for example, posts 14 and holes 21 of Chang. In view of Chang, it would have been obvious to one skilled in the art to use posts and holes, similar to that of Chang, in the structure of Pera to enhance the alignment and locking of the opposite housing parts.

As to the locations of such posts and holes being adjacent to the upper and lower wire exits of the housing, as in the manner defined in the last part of claim 7, such placement of the posts and holes as recited in the last part of claim 7 appears to be merely a selection of convenience locations, which are not deemed to be critical to the function/operation of the device. Accordingly, as a matter of conveniences, it would have been obvious to one skilled in the art to provide any number of such posts and holes in the structure of Pera at convenient locations on the respective housing parts of Pera, such as the instant claimed locations, for serving expected function of such posts and holes.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should further consider the structures of Miller, Liao, Huang, Snyder, and Liaom.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 703-308-3663. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le
Primary Examiner
Art Unit 3617

mle
3/31/04